

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

(E-Filed: January 12, 2007)

_____	)	
LAURENE OWEN,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 99-650V
	)	<b>UNPUBLISHED</b>
SECRETARY OF THE DEPARTMENT OF	)	Dismissal for Failure to
HEALTH AND HUMAN SERVICES,	)	Prosecute; Unresponsive
	)	Petitioner
Respondent.	)	
_____	)	

### **DECISION DISMISSING PETITION FOR FAILURE TO PROSECUTE**<sup>1</sup>

Petitioner, Laurene Owen, timely filed a claim for compensation pursuant to the National Vaccine Injury Compensation Program<sup>2</sup> (the Act or the Program) on August 5, 1999. By notice of reassignment dated February 8, 2006, the Chief Special Master reassigned Ms. Owen's petition to the undersigned for consideration.

---

<sup>1</sup>Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless an issued decision contains trade secrets or commercial or financial information that is privileged or confidential, or the decision contains medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. When a special master files a decision or substantive order with the Clerk of the Court, each party has 14 days within which to identify and move for the redaction of privileged or confidential information before the document's public disclosure.

<sup>2</sup>The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2000 & Supp. II 2003) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

Petitioner's counsel reported by telephone on December 11, 2006, that he has been unable to locate his client. A review of the court docket confirms that petitioner's counsel's has attempted to locate and communicate with his client for a number of months. The docket details the repeated efforts of petitioner's counsel to contact and communicate with his client between May 31, 2006, and January 10, 2007. On December 15, 2006, having failed to receive any response from petitioner, petitioner's counsel requested and the court issued a Show Cause Order (Order), directing Ms. Owen to contact her attorney on or before January 5, 2007, to "show why this petition should not be dismissed for failure to prosecute." Order at 1. The undersigned directed petitioner's counsel to include in his response "proof of communication with petitioner, and an indication regarding whether or not petitioner intends to continue this litigation." Id. To date, Ms. Owen has not been in contact with her attorney and thus, has not complied with the December 15, 2006 Show Cause Order of the court. Accordingly, this petition is **DISMISSED** for failure to prosecute. The Clerk of the Court shall **ENTER JUDGMENT** accordingly.<sup>3</sup>

**IT IS SO ORDERED.**

s/Patricia E. Campbell-Smith  
Patricia E. Campbell-Smith  
Special Master

---

<sup>3</sup>Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.